

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:18-cv-233-FDW**

NICHOLAS OMAR LEE,)
)
Plaintiff,)
)
vs.)
)
LARRY GODWIN,)
)
Defendant.)
)

ORDER

THIS MATTER is before the Court on its October 9, 2018, Order requiring Plaintiff to pay the filing fee or file a complete application to proceed *in forma pauperis*. (Doc. No. 4). On August 21, 2018, the Clerk of Court sent Plaintiff a Notice of Deficiency informing him that the IFP application was not complete. (Doc. No. 3). In the October 9 Order, the Court warned Plaintiff that failing to either pay the filing fee or file a complete IFP application within 10 days would result in this case's dismissal without prejudice. (*Id.*). The Clerk of Court mailed Plaintiff a copy of the Order at his address of record but it was returned as undeliverable on October 22, 2018. The Clerk then forwarded a copy of the Order to Petitioner's probation office on October 23, 2018, but he has still failed to respond.¹ It appears that Petitioner has abandoned this action. This action will be dismissed without prejudice for failing to comply with a Court Order.

IT IS, THEREFORE, ORDERED that:

- (1) This action is dismissed without prejudice for Plaintiff's failure to comply with this Court's order dated October 9, 2018.

¹ It is Plaintiff's obligation to inform the Court of any changes to his address.

(2) The Clerk of this Court is directed to terminate this action.

Signed: November 8, 2018



Frank D. Whitney
Chief United States District Judge

